County of Fairfax, Virginia

July 2, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-BR-041

BRADDOCK DISTRICT

APPLICANT:

Patrick D. Seay

OWNERS:

Patrick Seav Beth Seay

STREET ADDRESS:

9650 Boyett Court, Fairfax 22032

SUBDIVISION:

Twinbrook

TAX MAP REFERENCE:

69-3 ((9)) 24

LOT SIZE:

10,905 square feet

ZONING DISTRICT:

R-2C

ZONING ORDINANCE PROVISION: 8-922, 8-914

SPECIAL PERMIT PROPOSAL:

To permit reduction of certain yard requirements to permit construction of addition 6.4 feet from the side lot line and reduction in yard requirements based on error in building location to permit existing addition to remain 9.8 feet from side lot line, accessory storage structure to remain 1.8 feet from side lot line and 1.2 feet from rear lot line, and accessory structure to remain 5.2 feet from side lot

line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-BR-041 for the addition with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Department of Planning and Zoning

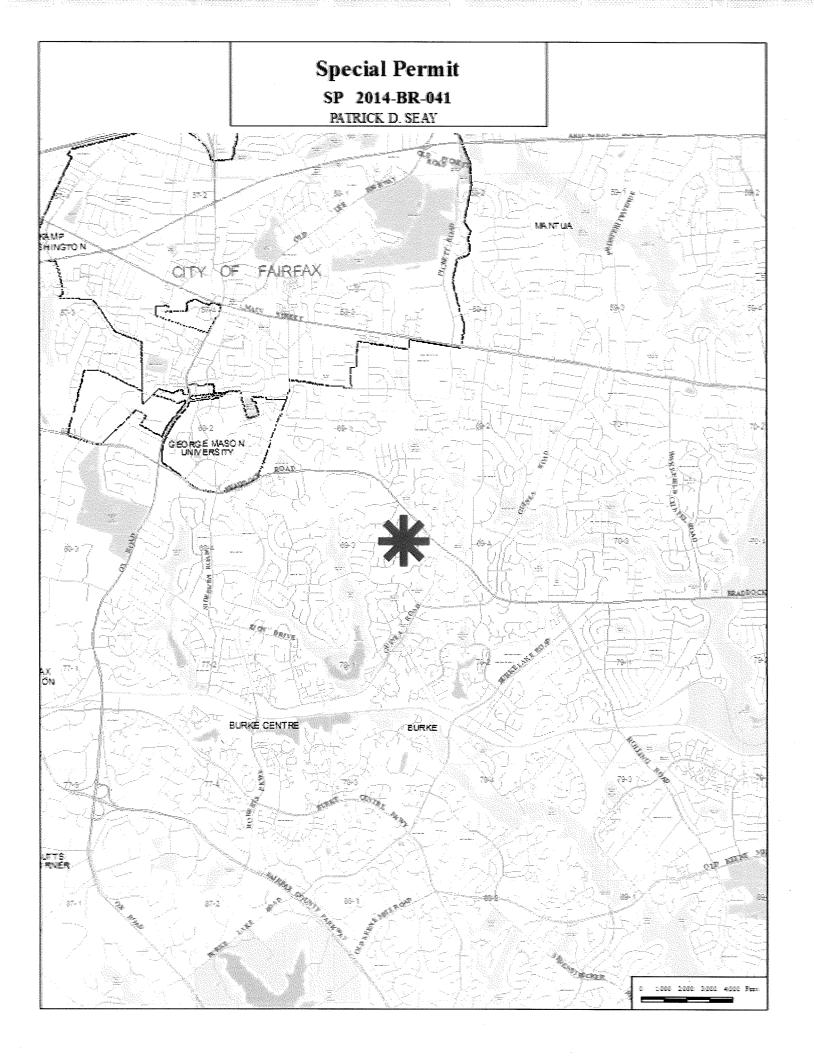
Zoning Evaluation Division 12055 Government Center Parkway, Suite 801 Fairfax, Virginia 22035-5509 Phone 703-324-1290 FAX 703-324-3924 www.fairfaxcounty.gov/dpz/

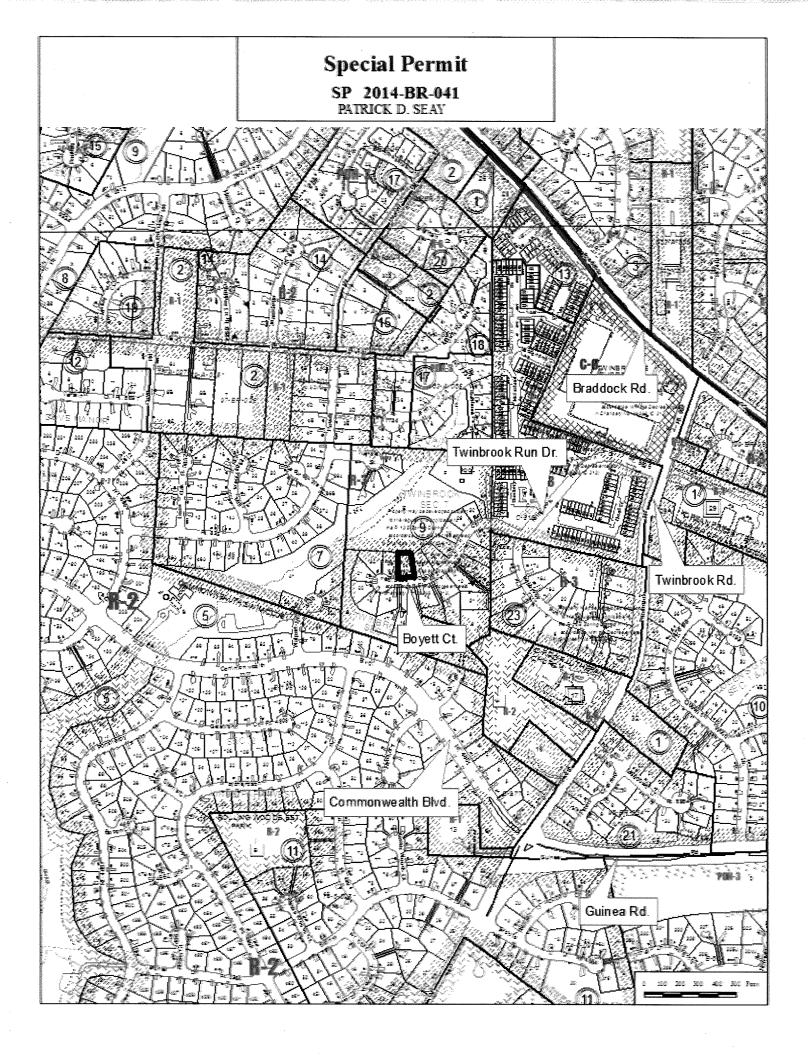


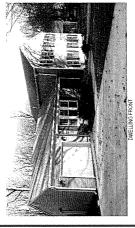
It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.

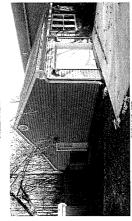






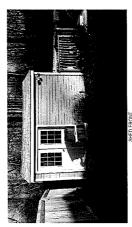














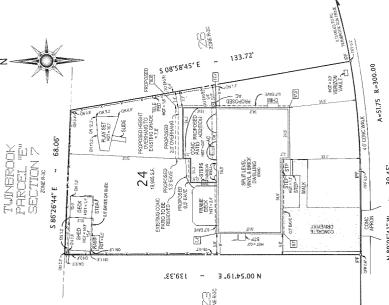
BOYETT COURT

PROPOSED FLOOR AREA RATIO: PR. GFA (3,728)/LOT AREA (10,905) = 0.34

13. FENCES ARE FRAME UNLESS NOTED.

14. UTILITIES ARE UNDERGROUND.

15. EAVE HEIGHTS TO EXISTING GRADE ARE SHOWN THUS: [范]



10. THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.

9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.

EX, FLOOR AREA RATIO: EX. GFA (2,798)/LOT AREA (10,905) = 0.26

EX. FIRST FLOOR
EX. 2ND FLOOR
GROSS FLOOR AREA

EX. FIRST FLOOR
EX. 2ND FLOOR
PROPOSED FIRST FLOOR
PROPOSED 2ND FLOOR
GROSS FLOOR AREA

8. ALL IMPROVEMENTS SHOWN ON THIS PLATARE EXISTING UNLESS DENOTED AS PROPOSED.

6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER. 7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.

5. HEIGHTS:
EX DWELLING
EX, DECK AT HOUSE
EX, STOOP
EX STOOP
EX DECK AT SHED
EX DECK AT SHED
FRAME FENCES
PROPOSED ADDITION

25.0 FEET 8.0 FEET (24.0 FEET TOTAL) 25.0 FEET

2. ZONE: R-2C(RESIDENTIAL - 2 W/CLUSTER DEV)

3. LOT AREA: 10,905 SF

TAX MAP: 0693 09 0024

A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.



(DEED BOOK 4709, PAGE 143)
FAIRFAX COUNTY, VIRGINIA
BRADDOCK DISTRICT
SCALE: 1" = 20"
MARCH 6, 2014

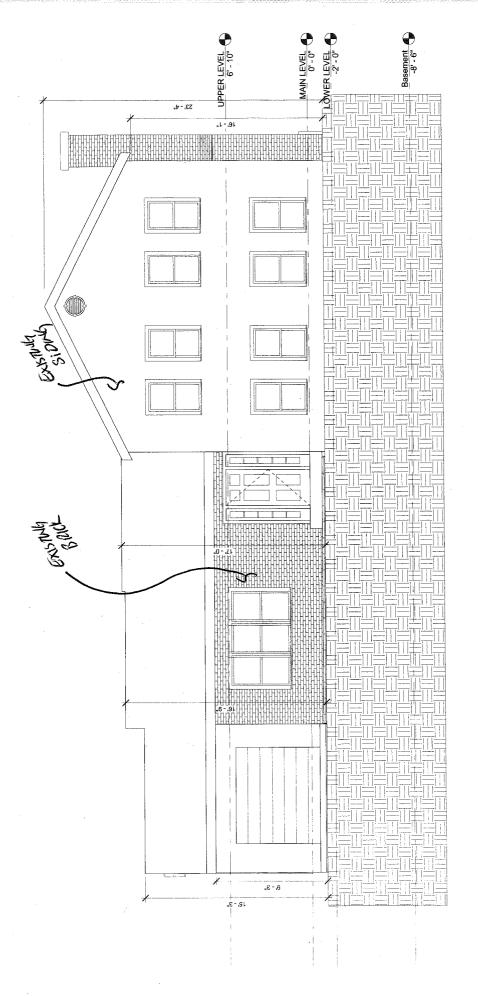
TWINBROOK

PLAT HOUSE LOCATION LOT 24, SECTION 6

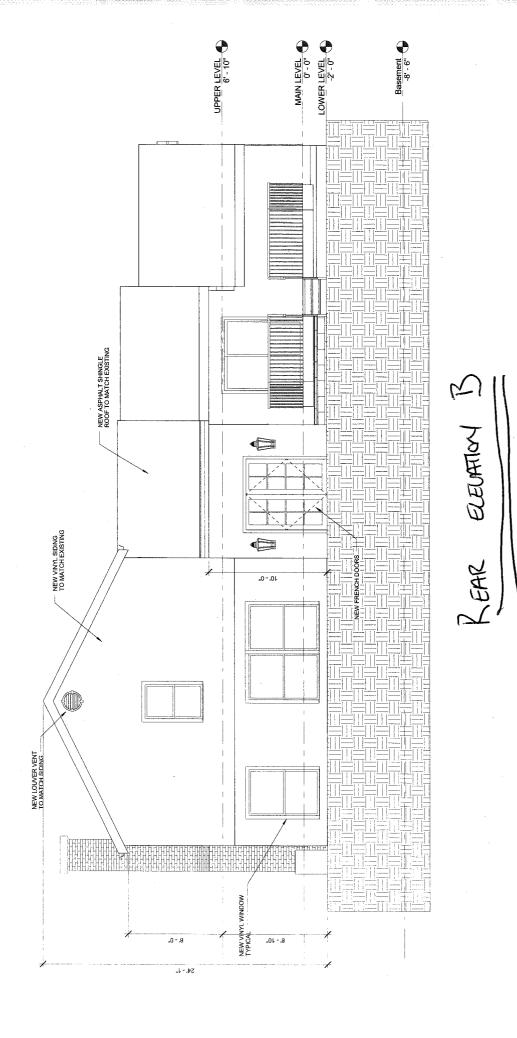


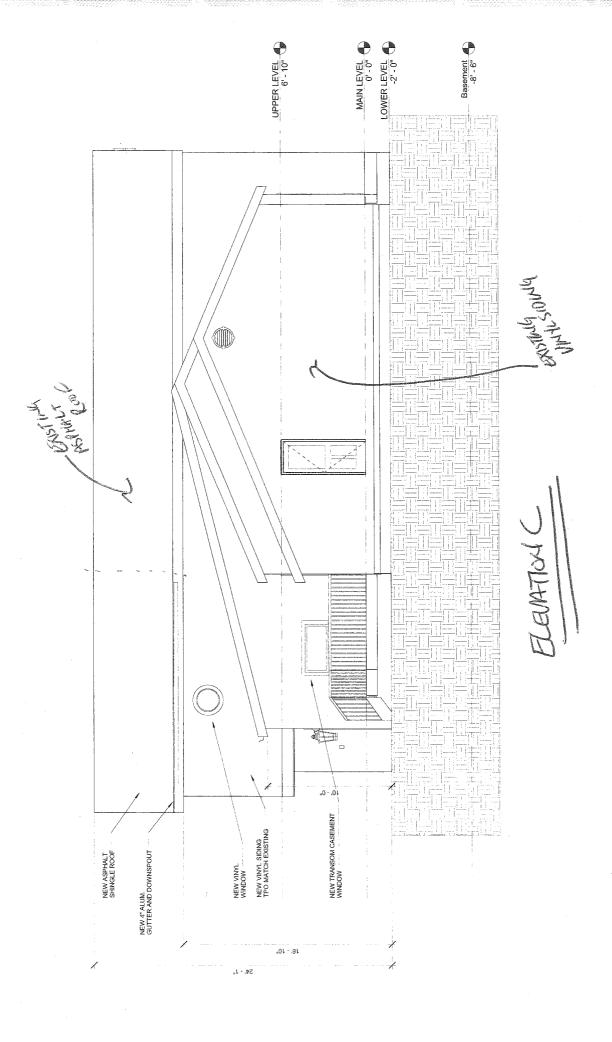
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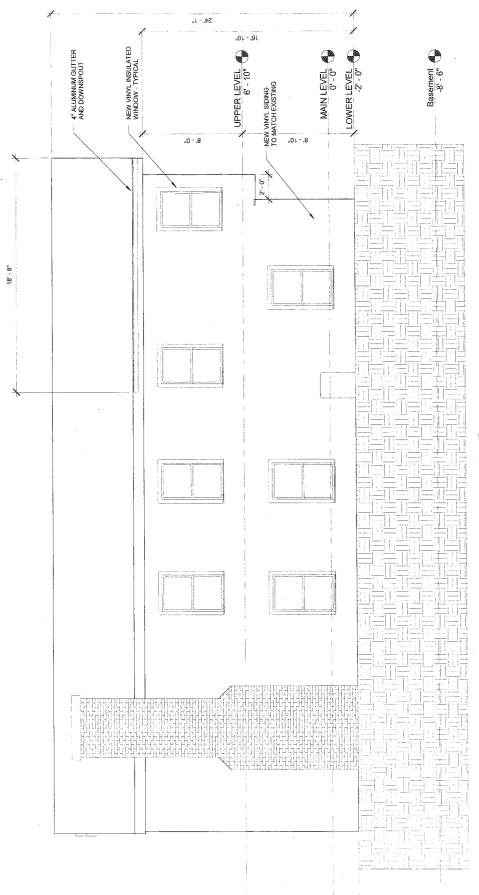
PATRICK SEAY



FRONT ELEVATION A







ELEWATON D

JAN 1 4 2014

Zoning Evaluation Division









3

PHOTOS 1/6/14 PAGE 2/8

JAN 1 4 2014

Zoning Evaluation Division



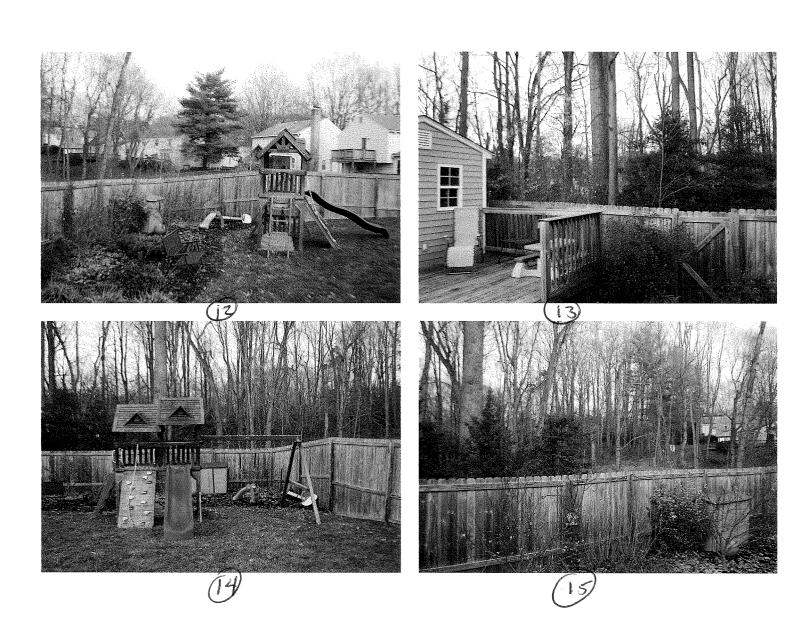




PHOTOS PAGE 4/8

JAN 1 4 2014

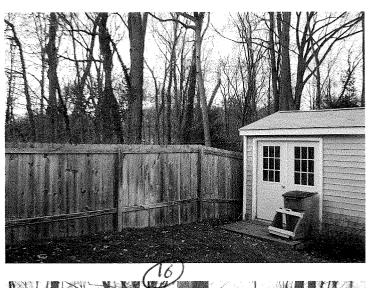
Zoning Evaluation Division

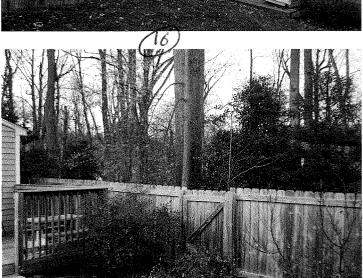


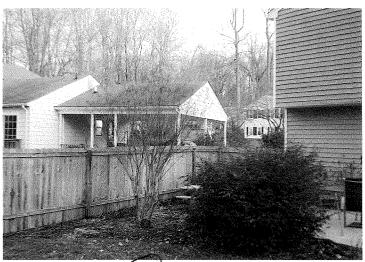
PHOTOS 16/14 PAGE 5/8

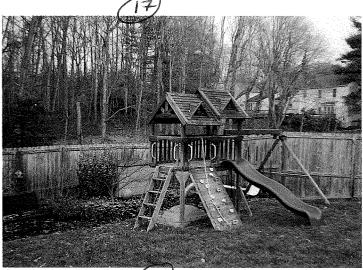
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Zoning Evaluation Division









PHOTOS V6/14

PAGE 6/8

JAN 1 4 2014

Zoning Evaluation Division



PHOTO'S Ve/14 PAGE 7/8

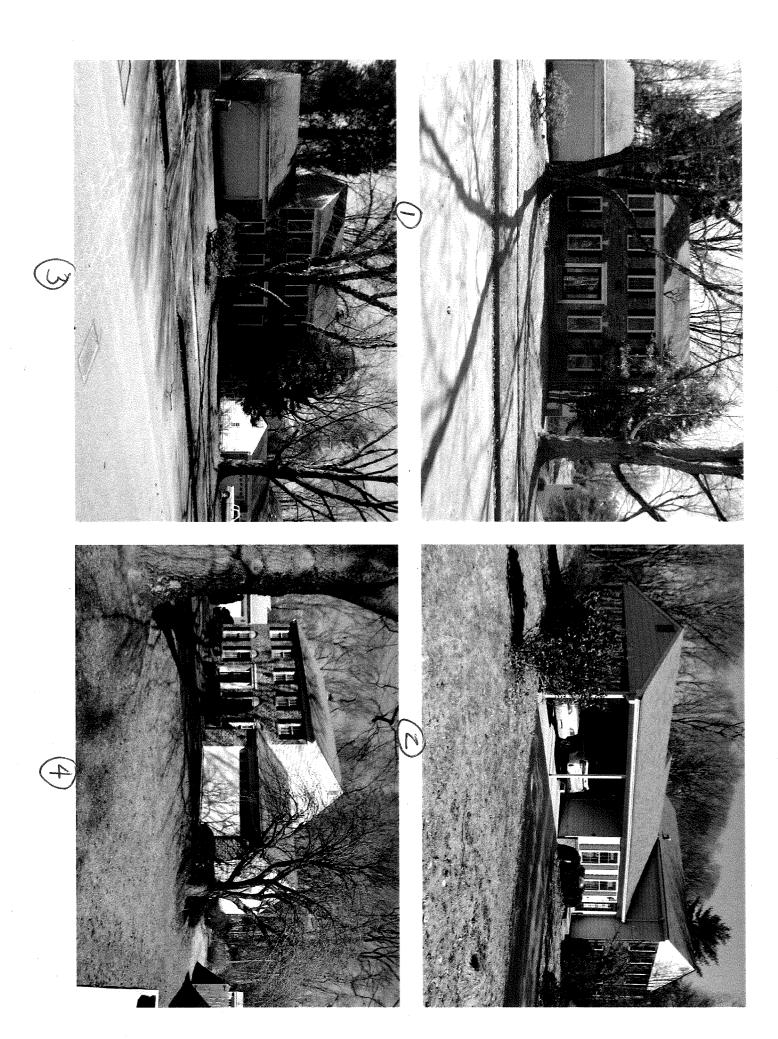
RECEIVED Department of Planning & Zoning

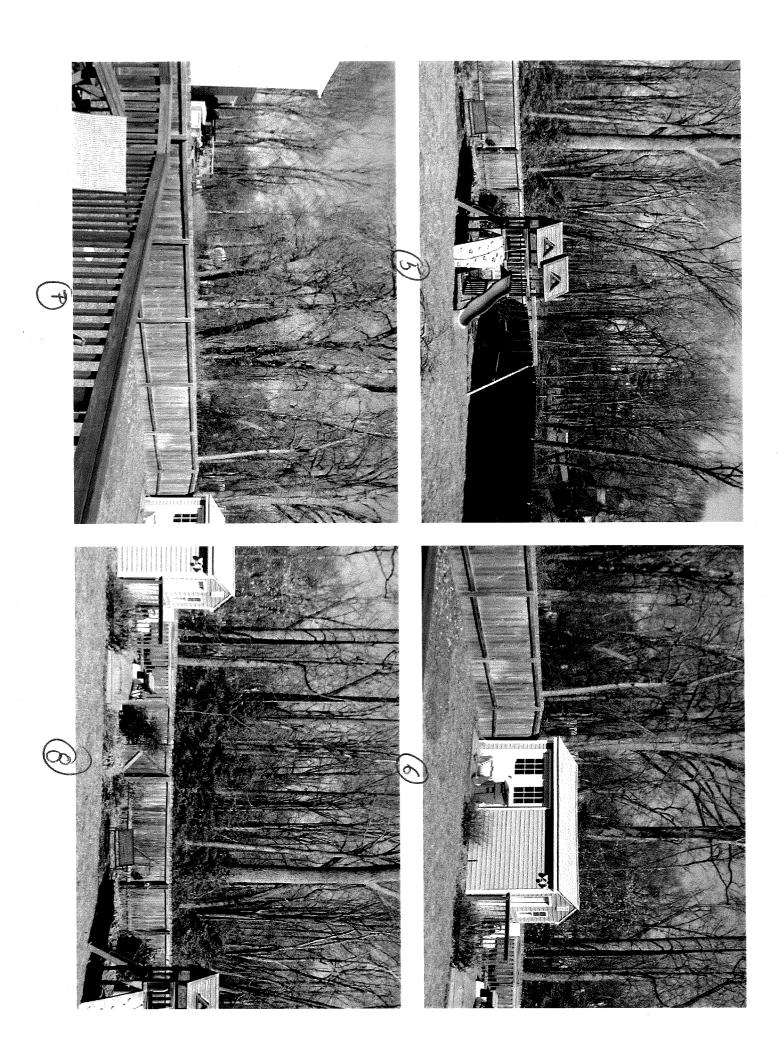
JAN 1 4 2014

Zoning Evaluation Division



27)
PHOTO'S
1/6/14
FAGE 8/8





SPECIAL PERMIT REQUEST

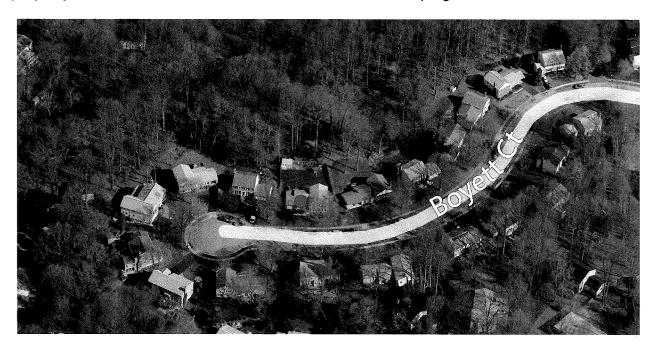
The applicant is seeking approval of a special permit to allow a reduction of certain yard requirements to permit construction of an addition 6.4 feet from a side lot line and reduction in yard requirements based on error in building location to permit an existing addition to remain 9.8 feet from a side lot line, an accessory storage structure to remain 1.8 feet from a side lot line and 1.2 feet from the rear lot line, and an accessory structure to remain 5.2 feet from a side lot line.

A copy of the special permit plat titled "Plat, House Location, Lot 24, Section 6, Twinbrook," prepared by Thomas G. Lutke, Land Surveyor, dated March 6, 2014, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,905 square foot lot contains a split level brick and vinyl siding dwelling with an attached garage and a full basement. A concrete driveway provides access to the lot from Boyett Court. A concrete walkway leads from the driveway to a front stoop located on the south façade of the dwelling. A deck and concrete patio are located at the rear of the dwelling. A play set 10.7 feet in height is located in the northeast corner of the rear yard and a shed 10.3 feet in height with an attached deck is located in the northwest corner of the rear yard. A wood fence 6.0 feet in height encloses the rear yard. The property has a manicured lawn, mature trees and landscaping.



The subject property and surrounding properties to the east, west, and south are zoned R-2, (cluster subdivision) and developed with single family detached dwellings. The property to the north is zoned R-3 (cluster subdivision) and is private open space for the Twinbrook subdivision.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1978, remodeled in 2007, and purchased by the applicant in March, 2008. According to the applicant's testimony, after purchasing the property they performed an update to the exterior of the dwelling that included enclosing the carport, constructing the shed, and installing the play set. No building permits for this work were found on file.

Since the adoption of the Zoning Ordinance, similar special permit and variance applications have been heard by the Board of Zoning Appeals for nearby properties as shown in Appendix 4.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for a reduction of certain yard requirements to permit construction of an addition to the dwelling 6.4 feet from a side lot line and reduction in yard requirements based on error in building location to permit an existing addition (an enclosed carport) to remain 9.8 feet from a side lot line, an accessory storage structure (a shed) to remain 1.8 feet from a side lot line and 1.2 feet from the rear lot line, and an accessory structure (a play set) to remain 5.2 feet from a side lot line.

The applicant is proposing to construct a two story addition approximately 24 feet in height and a total of 962 square feet in size. The addition will be constructed at the rear of the existing dwelling. The exterior of the addition will match the appearance of the existing dwelling. The side yard requirement for a R-2C zone is 8.0 feet with a total of 24.0 feet combined. The proposed addition would be located 6.4 feet from the eastern side yard and the existing addition is located 9.8 feet from the western side lot line, for a total side yard of 16.2 feet. Therefore, the applicant is requesting a reduction of 7.8 feet, or 32.5 percent.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: III

Planning Sector: Pohick, PO 02 Main Branch

Plan Map: 2 dwelling units per acre

Zoning Ordinance Requirements

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards

• Sect 8-914 Provisions for the Approval of Reduction to the Minimum Yard Requirements based on Error in Building Location

• Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

Sect. 8-006 General Special Permit Standards

Staff believes that the application for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application is General Standard 3.

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. Staff believes by observation of the neighborhood through submitted photographs and aerial photography that the construction of the addition will not adversely affect the use or development of neighboring properties. The addition will be to the rear of the dwelling, generally in the same location as an existing concrete patio, and the same height as the existing dwelling. The exterior will match the existing dwelling, which is of similar appearance and materials as neighboring dwellings. Therefore, staff believes this standard has been met.

Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing dwelling is 2,798 square feet in size. The proposed addition is approximately 962 square feet, which is approximately 34.4% of the principal structure. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed addition will be compatible with the dwelling. Staff believes that the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. Through testimony submitted by the applicant in their statement of justification, and aerial photography, staff has confirmed that the addition is similar to other structures in the neighborhood in terms of its height, scale and architecture. Therefore, staff believes the addition will be harmonious with surrounding off-site uses and meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the proposed addition will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. The addition is to be to the rear of the dwelling, generally in the same location as an existing concrete patio, and matches the height of the existing dwelling. Therefore, staff believes the application meets this provision.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. Staff believes the request to build the addition is a modest request. The size of the structure will be subordinate to the existing dwelling and generally in the same location as an existing concrete patio. Other issues of Resource Protection Areas, wells, and/or floodplains, and historic resources are not applicable to this site. Staff believes the application meets this provision.

CONCLUSION

Staff believes that the request for a special permit for reduction in certain yard requirements to permit an addition is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2014-BR-041 for the addition with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any

conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

If it is the intention of the Board to approve the special permit request for error in building location to allow the existing existing addition (an enclosed carport) to remain 9.8 feet from a side lot line, an accessory storage structure (a shed) to remain 1.8 feet from a side lot line and 1.2 feet from the rear lot line, and an accessory structure (a play set) to remain 5.2 feet from a side lot line, staff recommends that such approval be made subject to the development conditions contained in Appendix 1.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

- 1. Proposed Development Conditions
- 2. Applicant's Affidavit
- 3. Applicant's Statement of Justification
- 4. Similar Case History
- 5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2014-BR-041

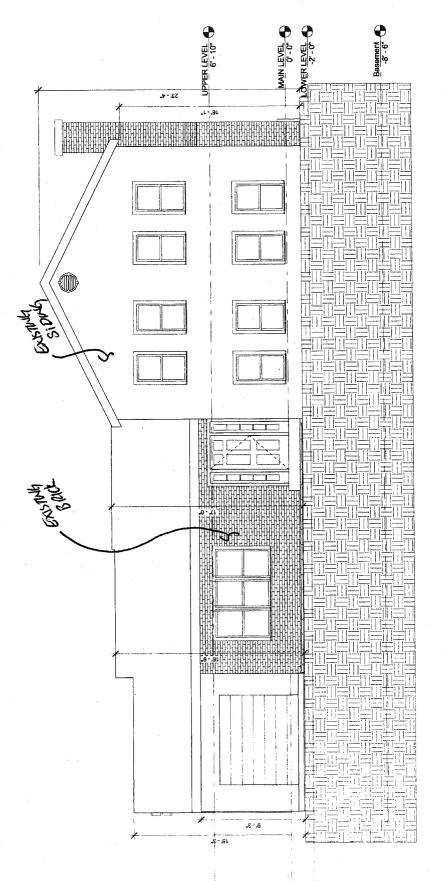
July 2, 2014

If it is the intent of the Board of Zoning Appeals to approve SP 2014-BR-041 located at Tax Map 69-3 ((9)) 24 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, and reduction of certain yard requirements based on error in building location pursuant to Section 8-914 of the Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

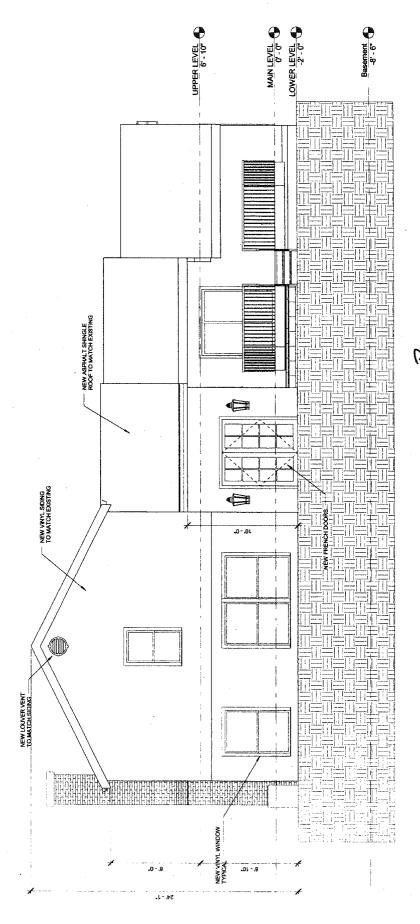
- 1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
- 2. This special permit is approved for the location and size of the addition (962 square feet, 24 feet in height), and the existing addition (an enclosed carport), an accessory storage structure (a shed), and an accessory structure (a play set), as shown on the plat prepared by Thomas G. Lutke, Land Surveyor dated March 6, 2014, as submitted with this application and is not transferable to other land.
- 3. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
- 4. All applicable permits and inspections shall be obtained prior to establishment of the use, to be demonstrated to the satisfaction of the Zoning Administration Division, including any electrical or plumbing inspections as may be required.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

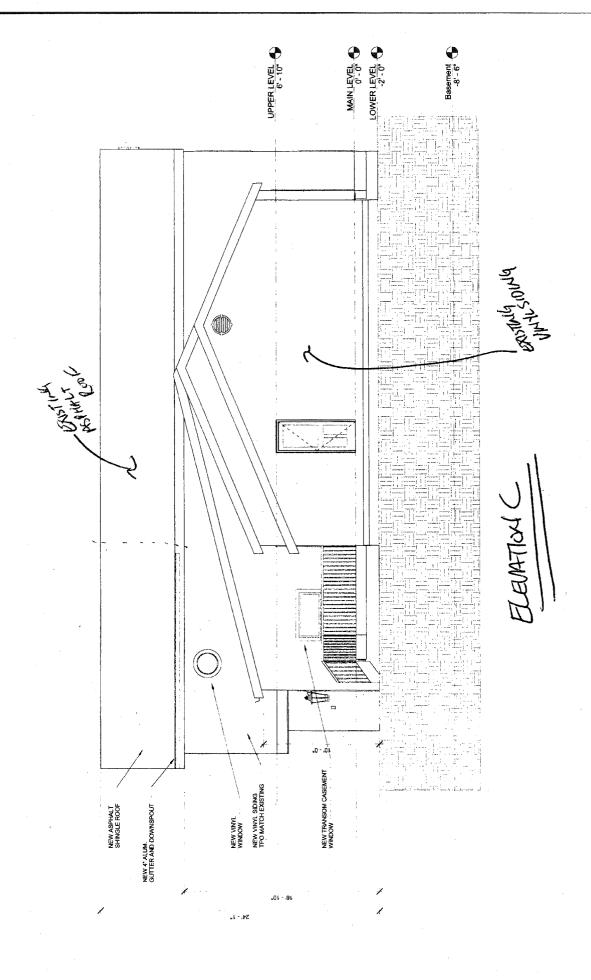
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

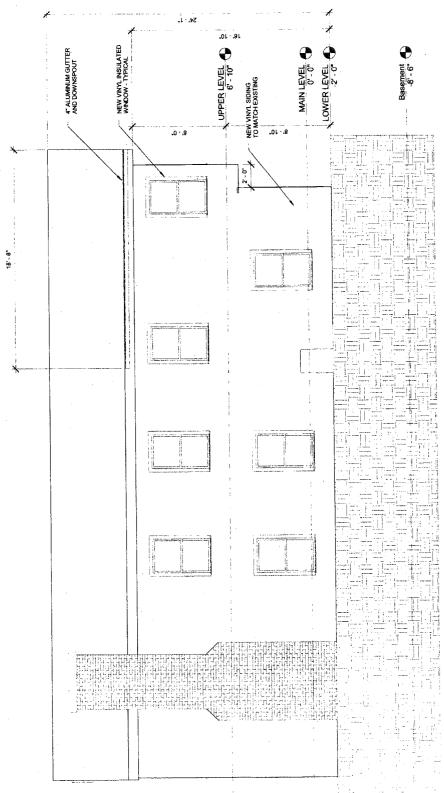


FRONT ELEMENTA A



REAR ELEVATION B





ELEWATOR D

THE ATTACHED AFFIDAVIT

HAS NOT BEEN APPROVED

BY THE OFFICE OF THE COUNTY ATTORNEY

All to To Hle, Application No.(s): (county-assigned application number(s), to be entered by County Staff) SPECIAL PERMIT/VARIANCE AFFIDAVIT

	E I DIGHT I VARIANCE AFFIDAVIT
DATE:	January 6, 2014

		DATE: January 6, 2014	
		(enter date affidavit is n	otarized)
I, Patrick D. Seay			
(enter name	of appl	icant or authorized agent)	, do hereby state that I am an
(check one)	[/]	applicant applicant's authorized agent listed	in Par. 1(a) below
and that, to the best	of my k	nowledge and belief, the following is	Strue:
1(a) The f-11 :			

The following constitutes a listing of the names and addresses of all APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES of the land described in the application,* and, if any of the foregoing is a TRUSTEE,** each BENEFICIARY of such trust, and all ATTORNEYS and REAL ESTATE BROKERS, and all AGENTS who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in BOLD print must be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME

ADDRESS

(enter first name, middle initial, and

last name) Patrick D. Seay Beth C. Seay

(enter number, street, city, state, and zip code)

9650 Boyett Ct. Fairfax, VA 22032 9650 Boyett Ct. Fairfax, VA 22032 RELATIONSHIP(S)

(enter applicable relationships listed in BOLD above) Title Owner applicant Title Owner

(check if applicable)	Γ٦	T71
11	. [·]	There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attacker."
		on a "Special Permit/Variance Attachment to Par. 1(a)" form.
A 0000 - C		to fair. I(a) form.

In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units

List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state

Special Permit Statement of Justification

RECEIVED
Department of Planning & Zoning

MAR 1 4 2014

Zoning Evaluation Division

Patrick D. Seay 9650 Boyett Court Fairfax, VA 22032

To Whom it May Concern:

I am requesting a reduction of a certain yard requirements to construct an addition to my private residence 7.4 feet from my side lot line for a total side yard of 17.2 feet. This reduction includes an existing garage enclosure with is 9.8 feet from my side lot line. The addition, including the garage, will not result in the reduction of the side yard requirements by less than 50 percent of the requirements. I am also requesting to permit an existing shed and play set that are taller than 8.5 feet to remain in the rear and side yard. The shed is currently 1.8 feet from the side lot line and 1.2 feet rear lot lines.

The addition would be 962 square feet, which is 34% of the existing 2798 square feet, and would be within the 150% total gross floor area limit of the dwelling.

The addition is to my private residence located on Boyett Court (route 5629) and not intended for public use. There will be no patrons/clients/patients/pupils/employees/attendants or teachers. There will be no traffic impact and hours of operation do not apply.

The current house is a two story split-level, single family home, constructed of brick and vinyl siding with asphalt roof shingles. The addition will extend the rear of the home and be constructed of the same vinyl siding and asphalt roof shingles. The house backs to common area/woods. The construction of the addition will not disturb or disrupt the existing visual appeal of the house and will remain harmonious with the surrounding homes.

When we purchased the house in 2008, there was a carport in the location of the current garage. The house was in need of exterior updating to include windows, siding, and gutters. We had this work performed within the first year of living in the house. The roof line remained the same and we simply enclosed the carport. At that time, we were unaware that enclosing the carport was infringing on the side yard requirements. With the carport enclosed and the proposed addition we still fall within the greater than 50% reduction in side yard. We request that the garage enclosure be allowed to stay as currently constructed.

The shed was constructed in our rear yard. We were not aware that there was a height restriction for shed construction. It was constructed with the same building material as our current house to ensure that it remains harmonious with the house and surrounding homes. The shed was constructed level and due to the fact that the rear of our lot loses grade, the closer to the rear yard the shed seems taller than it is. As shown in the plot the shed is 10.5' from the ground at its highest point. Behind our rear lot line is "common" space that is not zoned for home building. We are requesting to allow the existing shed to remain as currently constructed.

We currently have three children and purchased a play set for them to play on in the back yard. Similar to the shed we were unaware of the height requirements associated with accessory structures, as it

Special Permit Statement of Justification

Patrick D. Seay 9650 Boyett Court Fairfax, VA 22032

To Whom it May Concern:

I am requesting a reduction of a certain yard requirements to construct an addition to my private residence 7.7' from my side yard for a total of 17.5'. This reduction includes an existing garage enclosure. The addition, including the garage, will not result in the reduction of the side yard requirements by less than 50 percent of the requirements. I am also requesting to permit an existing shed and play set that are taller than 8.5' to remain in the rear and side yard.

The addition would be 962 square feet, which is 30% of the existing 3206 square feet, and would be within the 150% total gross floor area limit of the dwelling.

The addition is to my private residence and not intended for public use. There will be no patrons/clients/patients/pupils/employees/attendants or teachers. There will be no traffic impact and hours of operation do not apply.

The current house is a two story split-level, single family home, constructed of brick and vinyl siding. The addition will extend the rear of the home and be constructed of the same vinyl siding. The house backs to common area/woods. The construction of the addition will not disturb or disrupt the existing visual appeal of the house and will remain harmonious with the surrounding homes.

When we purchased the house in 2008, there was a carport in the location of the current garage. The house was in need of exterior updating to include windows, siding, and gutters. We had this work performed within the first year of living in the house. The roof line remained the same and we simply enclosed the carport. At that time, we were unaware that enclosing the carport was infringing on the side yard requirements. With the carport enclosed and the proposed addition we still fall within the greater than 50% reduction in side yard. We request that the garage enclosure be allowed to stay as currently constructed.

The shed was constructed in our rear yard. We were not aware that there was a height restriction for shed construction. It was constructed with the same building material as our current house to ensure that it remains harmonious with the house and surrounding homes. The shed was constructed level and due to the fact that the rear of our lot loses grade, the closer to the rear yard the shed seems taller than it is. As shown in the plot the shed is 10.5' from the ground at its highest point. Behind our rear lot line is "common" space that is not zoned for home building. We are requesting to allow the existing shed to remain as currently constructed.

We currently have three children and purchased a play set for them to play on in the back yard. Similar to the shed we were unaware of the height requirements associated with accessory structures, as it pertains to side/rear yard set-back requirements. As you can see from the pictures the tallest part of

the play set falls within the requirements, but it is considered a singular structure. We are requesting to allow the existing play set to remain as currently constructed.

The proposed use of the addition conforms to all applicable ordinances. There are no known hazardous or toxic substances present on site as it pertains to Title 40 of the Code of Federal Regulations or the Virginia Department of Environmental Quality Hazardous Waste Management Regulations.

Thank you for your consideration,

Patrick D. Seay

Statement of Ownership

The undersigned herby make the following affidavit concerning the property commonly known as: Mailing address: 9650 Boyett Ct.

Tax Map: 0693 09 0024

Fairfax, VA 22032

Patrick D. Seay and Beth C. Seay are the owners of the property listed above. There are no other owners of this property.

Patrick D. Seav

Beth C. Seav

Similar Case History

Group: 00-B-072

VC 00-B-072

APPLICANT:

HERBIG, DAVID A.

STATUS:

APPLICATION APPROVED

STATUS/DECISION

08/16/2000

DTE: ZONING DISTRICT:

DESCRIPTION:

TO PERMIT THE CONSTRUCTION OF ADDITION 5.5 FT. FROM SIDE LOT LINE SUCH THAT SIDE YARDS TOTAL 23.4 FT.

LOCATION:

5124 RICHARDSON DRIVE

TAX MAP #S:

0693 05 0034

Group: 00-B-078

VC 00-B-078

APPLICANT:

JUNKINS, LAWRENCE E.

STATUS:

APPLICATION APPROVED

STATUS/DECISION

08/15/2000

DTE: ZONING DISTRICT:

DESCRIPTION:

TO PERMITTHE CONSTRUCTION OF ADDITION 7.5 FT. FROM SIDE LOT LINE SUCH THAT SIDE YARDS TOTAL 15.5 FT.

LOCATION:

5017 POWELL ROAD

TAX MAP #5: 0693 07 0045A

Group: 95-B-077

VC 95-B-077

APPLICANT: STATUS:

HILGERT, NICHOLAS J., JR. APPLICATION APPROVED

STATUS/DECISION

10/04/1995

DTE: ZONING DISTRICT:

PDH-3

DESCRIPTION:

PERMIT CONSTRUCTION OF ADDITION 5.1 FT. FROM SIDE LOT LINE SUCH THAT SIDE YARDS TOTAL 11.4 FT. AND SIX FT. HIGH FENCE TO REMAIN IN THE FRONTYARD

LOCATION:

5302 CROWN POINT ROAD

TAX MAP #5: 0693 06 0434 Group: 98-B-062

SP 98-B-062

APPLICANT:

CLARK, ANNMARIE & DAVID WAYNE

STATUS:

APPLICATION APPROVED

STATUS/DECISION

02/24/1999

DTE: ZONING DISTRICT:

R- 2

DESCRIPTION:

REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ROOFED DECK TO REMAIN 18.4 FT. FROM REAR LOT LINE

LOCATION:

5240 HERZELL WOODS COURT

TAX MAP #5: 069311 0045

Group: 98-B-146

VC 98-B-146

APPLICANT:

CLARK, DAVID W. & ANNMARIE

STATUS:

APPLICATION APPROVED

STATUS/DECISION

02/24/1999

DTE: ZONING DISTRICT:

R-2

DESCRIPTION:

PERMIT CONSTRUCTION OF ADDITION 13.2 FT. FROM REAR LOT LINE

LOCATION:

5240 HERZELL WOODS COURT

TAX MAP #5: 069311 0045

Group: 2006-BR-010

SP 2006-BR-010

STAFF REPORT

APPLICANT:

ROBERT AND DANIELLE NICHOLSON

STATUS:

APPLICATION APPROVED

STATUS/DECISION

04/25/2006

DTE: ZONING DISTRICT:

DESCRIPTION:

TO PERMIT ACCESSORY DWELLING UNIT AND REDUCTION TO MINIMUM YARD REQUIREMENTS BASED

ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STORAGE STRUCTURE TO REMAIN 1.4FEET WITH EAVE 1.2 FEET FROM REAR LOT LINE AND 2.8 FEET WITH EAVE 2.6 FEET FROM SIDE LOT

LOCATION:

5104 COLERIDGE DRIVE

TAX MAP #5: 0693 05 0152

Group: 2007-BR-013

SP 2007-BR-013

STAFF REPORT ADDENDUM 1

STAFF REPORT

APPLICANT:

JODI B. ARGANBRIGHT

STATUS:

APPLICATION APPROVED

STATUS/DECISION

04/24/2007

DTE: ZONING DISTRICT:

DESCRIPTION:

REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 9.4 FEET FROM THE SIDE LOT

LOCATION:

9658 BOYETT COURT

TAX MAP #5:

0693 09 0022

Group: 2007-BR-140

SP 2007-BR-140

APPLICANT:

FRED R. CALL III

STATUS:

APPLICATION APPROVED

STATUS/DECISION

01/29/2008

DTE: ZONING DISTRICT:

DESCRIPTION:

TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASEDON ERROR IN BUILDING LOCATION TO PERMIT DWELLING TO REMAIN SUCH THAT SIDE YARDS TOTAL 20.7 FT.

LOCATION:

5089 COLERIDGE DRIVE

TAX MAP #S: 0693 05 0202

Group: 2013-BR-016

SP 2013-BR-016

STAFF REPORT

APPLICANT:

DWIGHT FULLER

STATUS:

APPLICATION APPROVED

STATUS/DECISION

04/17/2013

DTE: ZONING DISTRICT:

R- 2

DESCRIPTION:

REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 17.4 FEET FROM REAR LOT LINE

LOCATION:

9659 BOYETT COURT, FAIRFAX, VA 22032

TAX MAP #5: 0693 09 0019

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

- 1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
- 2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
- 3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
- 4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
- 5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
- 6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
- 7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
- 8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

- 1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
- 2. All uses shall comply with the performance standards specified for the zoning district in which located.
- 3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

- 1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:

- A. The error exceeds ten (10) percent of the measurement involved, or
- B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
- C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
- D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
- E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
- F. It will not create an unsafe condition with respect to both other property and public streets, and
- G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
- H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
- 3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
- 4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.

5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

- 1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

- 3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
- 4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
- 5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
- 6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
- 7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
- 8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
- 9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

- 10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
- 11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

- K. The location, type and height of any existing and proposed landscaping and screening.
- L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
- M. Seal and signature of professional person certifying the plat.
- 12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.